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*Counsel for Defendants Premier Orthopaedic and Sports Medicine Associates of Southern New Jersey, LLC, trading as Premier Orthopaedic Associates, Premier Orthopaedic Associates Surgical Center, LLC, Kimberly Yvette Smith, M.D., a/k/a Kimberly Yvette Smith-Martin, M.D., Thomas Dwyer, M.D., Rhaul Shah, M.D., John Catalano, M.D., Richard C. DiVerniero, M.D., and Richard Strauss, M.D.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS  
LIABILITY  
LITIGATION

THIS DOCUMENT RELATES TO:  
  
ALL CASES

MDL No. 2419  
Docket No. 1:13-md-2419 (RWZ)

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**JOINT MOTION TO EXTEND DEADLINE TO SUBMIT PROPOSED DISCOVERY  
SCHEDULES AS TO PREMIER AND BOX HILL DEFENDANTS**

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Defendants Premier Orthopedic and Sports Medicine Associates of Southern New Jersey, LLC, trading as Premier Orthopedic Associates, Premier Orthopedic Associates Surgical Center, LLC, Kimberly Yvette Smith-Martin, M.D., Thomas Dwyer, M.D., Rahul Shah, M.D., Richard C. DiVerniero, M.D. (Hereinafter "The Premier Defendants" or "Premier"), the Plaintiffs' Steering Committee ("PSC"), Box Hill Surgery Center, LLC, Ritu T. Bhambhani, MD, and Ritu T. Bhambhani, MD, LLC (Hereinafter "Box Hill Defendants") and Box Hill Plaintiffs ask this

Honorable Court for a brief extension to allow an additional seven (7) days to submit a proposed discovery schedule:

1. During the March 10, 2016 status conference Judge Jennifer Boal requested that the PSC, the Premier Defendants and Box Hill Defendants submit a proposed discovery schedule jointly if possible separately if necessary on or before March 24, 2016. (Dkt. No: 2737).
2. Counsel for the Box Hill Defendants, the Premier Defendants, Box Hill Plaintiffs, and the PSC have met and conferred regarding a proposed schedule, doing so most recently on March 22, 2016. During this meet and confer there arose a need for input from additional Box Hill Plaintiff's attorneys with pending actions against the Defendants.
3. The parties did work to attain a discovery schedule that would apply to the remaining Box Hill and Premier cases but realized that additional time would be needed to finalize the proposal. The parties to the Joint Motion are currently working to reach agreement on dates for the following matters:

EVENTS –AS TO PREMIER	DEADLINES
Close of Common-Issue Fact Discovery	
Submission of Census for Bellwether Process	
Close of Case-Specific Fact Discovery	
Plaintiff's Expert Disclosures	
Defendants' Expert Disclosures	
Deadline for Completing Expert Depositions	
Dispositive Motions and Daubert Motions	
Oppositions to Dispositive Motions and Daubert Motions filed.	
Replies to Oppositions to Dispositive Motions and Daubert Motions	
Hearing on Dispositive Motions and Daubert Motions	
Exchange of Proposed Pre-Trial Exhibits	
Deposition Page and Line Designations	
Deposition Page and Line Counter-Designations	
Motions in Limine	
Oppositions to Motions in Limine	

Replies to Oppositions to Motions in Limine	
Hearing on Motions in Limine	
Final Pretrial Conference	
Cases are Trial Ready	.

4. The parties recognized that it would be in the best interest of those involved as well as a more economic use of judicial resources if a jointly proposed discovery schedule was submitted that addresses the seventeen matters noted above.
5. Therefore, in the light of the above in order to submit such a jointly proposed discovery schedules, the Box Hill Defendants, Premier Defendants, Box Hill Plaintiffs, and the PSC now move before this Honorable Court for an extension of the March 24, 2016 deadline.
6. The above parties are respectfully requesting the Order entered on March 10, 2016 (Dkt. No. 2737) be modified to allow the parties to submit their proposed discovery schedules jointly if possible and separately if necessary on or before March 31, 2016.
7. Undersigned counsel represents that all counsel for the parties named herein have been consulted regarding the language of the Motion and Order, have made suggestions and do not object to either submission.

Respectfully submitted,

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/s/ Christopher M. Wolk  
Christopher M. Wolk, Esq.

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**CERTIFICATION**

I certify that in submitting this *NOTICE*, I caused a copy of the above to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's System, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: March 23, 2016

/s/ Christopher M. Wolk  
Christopher M. Wolk, Esq.

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**PROPOSED ORDER EXTENDING DEADLINE TO SUBMIT PROPOSED  
DISCOVERY SCHEDULES AS TO PREMIER AND BOX HILL DEFENDANTS**

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This matter having come before the Court by way of a joint motion filed by the Premier Defendants, Box Hill Defendants and the Plaintiff's Steering Committee for a modification of an order entered by this court to extend the deadline to submit a proposed discovery schedule,

IT IS ON THIS \_\_\_\_\_ DAY OF MARCH 2016,

ORDERED THAT: The Order entered on March 10, 2016 (Dkt. No. 2737) is modified to allow the parties to submit their proposed discovery schedules jointly if possible and separately if necessary on or before March 31, 2016.

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Jennifer C. Boal, U.S.M.J.